

THE BANNER.

RICHARD CORBALEY, Editor.

PLYMOUTH IND.

Thursday Morning, May 12, 1853.

Advertisements to insure insertion, must be handed in by Tuesday preceding the day of publication.

See notice of the sale of Swamp Lands in this county.

Fresh Meats are advertised. The Butchers want fat cattle, sheep & hogs. See other notices in this paper.

We are told that the sales, including supper, at the Ladies Fair, last Friday evening, amounted to about sixty-five dollars, which is to be appropriated towards completing the new Presbyterian church.

Mr. C. D. CLARKE, one of our merchants, whilst east this spring, procured and brought home with him, some of the Shanghai chickens which promise to be rather profitable in this country. A few days ago he left one of their eggs at our office which measured in circumference, lengthwise, 8 1/2 inches, and 6 1/2 inches around the large end, and weighs 3 1/2 ounces.

ZINK AND PLATINA PENS.—Messrs Witter & Miller of South Bend, will accept of our thanks for some of the above pens. We have used some of the same kind before and pronounce them a good article—one of these being really worth about a dozen common steel pens.

Price 30 cts. per doz. or \$3 per gross. For sale by Witter & Miller, South Bend.

Those persons who have subscribed to help build a free meeting-house for the "Christian Church," of Plymouth, are requested to meet at this office next Saturday evening at early candlelight, for the purpose of selecting a building committee.

MARRIAGE.

Our Statute declares marriage to be a civil contract, into which males of the age of seventeen and females of the age of fourteen, not within the prohibited degrees of consanguinity, are capable of entering.

Before any person, except members of the Society of Friends—commonly called Quakers—shall be joined in marriage, they shall produce a license from the Clerk of the Circuit court of the county in which the female resides, directed to any person empowered by law to solemnize marriages, and authorizing him to join together the persons therein named, as husband and wife.

Such license shall not be issued by the Clerk, without the consent of the parent or guardian, if there be any, if the female be within the age of eighteen, or the male within the age of twenty-one. When there is no parent or guardian, resident within the State, and the female has resided within the county where license is sought to be obtained for one month preceding such application, license may issue. An affidavit of the facts as required to exist, by the last preceding section, made by some disinterested person, shall be a sufficient justification of the Clerk in issuing any license. Some people are disposed to complain of the Clerk for refusing to grant license, upon the simple assertion that consent has been given or that the parties are of age, &c., saying as they leave that all will be right, that it is no difference and nobody's business but their own, and that the license are withheld by the Clerk for the purpose of giving the parties trouble &c. In reply we ask you to read sec. 9, chap. 67, page 362, vol. 1st of the Revised Statutes of 1852, which reads as follows:

"Every Clerk of the Circuit court who shall issue any license contrary to the provisions of this act, shall forfeit and pay to the State of Indiana, for the use of Common Schools, any sum that in the discretion of a jury shall seem right, to be recovered in an action of debt, in the name of the State, and it is made the duty of the Prosecuting Attorneys within their respective circuits, to prosecute all such suits, for which they shall receive a docket fee of twenty dollars to be taxed with costs of suit."

It will be seen by the foregoing that the Clerk is not left with much discretionary power in such cases, and if he violates the law the penalty must surely follow. If people generally understood this matter, Clerks would be saved of much blame which is ignorantly and wrongfully heaped upon them. Applicants would also save time and trouble if they would come prepared to establish the facts necessary to be known.

To ask the Clerk for license to get married we know is a delicate question,

which some modest young men can scarcely muster courage enough to ask, then to be refused for the want of proof that they are entitled to have them, is rather hard on some nerves. Then in order to avoid such unpleasant feelings we would suggest the propriety of coming prepared, for be assured the Clerks will not knowingly place themselves at the mercy of a jury, at any rate we know of one who will not.

Those who solemnize marriages would do well to remember that the license and certificate must be returned within ninety days from the issuing thereof, and if not so returned they are liable to be fined five dollars per month for each and every month they fail or neglect to file the same from and after the expiration of said ninety days.

Auburn and Eel River Valley Rail Road.

This railroad, commencing at Logansport Indiana, and terminating at Auburn, forms one of the most important connections in our State—passing up the valley of Eel river through one of the best agricultural sections, touching at Mexico and Manchester.

The entire line, ninety-two miles in length, has been let to a highly reputable and responsible company, who propose to construct the road and put the rolling machinery in operation in October 1854. The sub-letting of forty miles, commencing at Logansport and running to Manchester, will take place at the office of Wm. B. Olmstead & Co. at Logansport on the 18th inst. Those inclined to engage in such enterprises, may do well to give the matter attention.

THE INDIANA STATE JOURNAL.—This long established and widely known organ of the Whig party of Indiana, comes to us in a beautiful, neat and tasty dress of new type. The Journal is second to no paper published in Indiana. It is truly what it claims to be—a State paper.

Mr. Defrees has associated with him five partners, each having a peculiar sphere of duty.

Terms: \$1. per. annum in advance.

THE INDIANA STATE SENTINEL.—This long established and extensively circulated paper—the organ of the Democratic party of this State, has doffed its old dress,—which by the way was worn out, and now appears in an entirely new, and beautiful dress of type. This paper for years past, and will perhaps continue to be—the rival of the Journal.

Terms: \$1 per annum in advance.

W. J. Brown, Editor.

The following quaint stanza contains sentiments worthy of the attention of every one—old and young:

"What are another's faults to me?
I've not a culture's bill
To pick at every flaw I see,
And make it wider still;
It is enough for me to know
I've follies of my own—
And on my heart the fate bestow,
And let my friends alone."

BE PATIENT.

We hear some of our good Farmers and Mechanics complaining about the backwardness of the season, the wet weather, &c., &c., just as if it was in the power of man to bring about a change in the elements. This is a manifestation of ignorance. They do not realize their situation, and they seem not to care for anything except that which would benefit themselves pecuniarily. Do you not know that while time lasts, it is promised that "God will send the rain upon the just and the unjust," that "seed time and harvest shall not fail," that there shall be "cold and heat, winter and summer, spring and fall, day and night." And we are told that "not one jot or tittle of His word shall fail," that the Heavens and Earth may fail, but His word shall not fail. In view of such declarations staring men in the face, how can they conclude—as some do—that there is likely to be a failure? Have you ever known an entire failure since the above declarations were made to man? If not, why murmur at this time?

We should not murmur and complain about things over which we have no control, better sit down and try to ascertain what is necessary to be done on our part.

When men make such complaints, do they not virtually say, that He who created the Heavens and the Earth and the things that in them are, is not competent to preside over them? and that if they could be permitted to have their own way about such things, that times and seasons should be such as would suit them. Suppose they could, and how long before the whole world would be in confusion. One would not want rain

more than once a year, another oftener, some are fond of the terrific, and would desire much thunder and lightning, others would say differently. The man or woman who has implicit confidence in the Bible, is never heard charging Him, who holds the destinies of nations in His hand, with incompetency. On the other hand, those who complain, generally are persons who acknowledge no allegiance to the Supreme Ruler of the Universe.—If the Bible was understood as it should be, no such murmurs would escape from the lips of mortal man.

On the first page will be found an article relative to the School question, or Catholics vs. Protestants. The Committee of 100 who were appointed to wait upon the Mayor, and request him to resign, did not succeed in getting an interview with him. They sent a message requesting him to meet them, to which the Mayor made the following reply: "The Mayor of Cincinnati is now in his office, and ready for business or the reception of any communications." On the reception of the Mayor's reply, the Committee of 100 passed a resolution for a mass meeting on the 31 inst., of which meeting the Cincinnati Commercial speaks as follows:

Meeting in Fifth St. Market Space Yesterday.

In accordance with a resolution of the committee of 100, several hundred people assembled in Fifth street market space yesterday afternoon for the discussion of matters connected with Mayor Snellbaker and his treatment of that committee. The roar of cars, omnibuses and carriages rendered it exceedingly difficult to conduct the meeting, but it proceeded for an hour, when the rain hastened an adjournment.

Lewis Broadwell (late Whig Senator from this county) was chosen Chairman, and R. S. Newton, Secretary. Marcus Smith and Dr. N. Allen were chosen Vice Presidents.

There were calls for Mr. Storer, Mr. Lean and others but these gentlemen were not present.

Thos. Spooner was called upon and responded. This meeting though small to what it might have been in the evening, was large considering the time of day and other circumstances. Mr. S. denounced the Mayor in severe terms for his interference with Mr. Kirkland. If the people had not a right to demand the impeachment of a Mayor for suppressing the freedom of speech, for what could they impeach him?

After a short speech from J. S. Nixon, the following resolutions were presented and adopted by a nearly unanimous vote. The committee named below had not been formed when we went to press.

Resolved, That this public meeting of citizens still adhere to its previously expressed opinion, that Mayor Snellbaker has violated, in his official action, on a late occasion, and in the person of a respectable street preacher, the constitutional right of freedom of speech.

Resolved, That in the opinion of this meeting, the Mayor has not in any manner justified his conduct as aforesaid by any explanation given, and has failed to recognize, in any of his communications to the people on the subject, through the press, the great principle for which we contend.

Resolved, That the Mayor's opposite course of action in two parallel cases, has excited our distrust of the soundness of his principles, and that he has forfeited the confidence of those who hold in reverence the great principles of American constitutional laws.

Resolved, That in his disrespectful treatment of the large Committee of old & respectable citizens, representatives of one of the most intelligent and patriotic popular bodies ever convened in this city; he has disregarded an essential principle of American Democratic Republicanism, and has therefore placed himself without the pale of our political principles.

Resolved, That we leave the said D. T. Snellbaker for the future lawful and constitutional action of the people, when if opportunity is afforded us, we pledge ourselves to brand his aforesaid conduct as a traitorous sacrifice of the principles of civil and religious liberty, to an unholy political ambition, which, for the sake of legal authority, official station would rally itself to the open and self-declared opponents of American liberty.

Resolved, That a committee of two in each ward be appointed by the chairman of this meeting, whose duty it shall be to prepare a petition, addressed to the City Council, requesting them to cite David T. Snellbaker, Mayor of Cincinnati, to appear before them to show cause why he shall not be impeached for dereliction of duty, and violation of the Constitution of the United States and the State of Ohio.

Resolved, That this Committee cause copies of said petition to be deposited throughout the city, in convenient places to receive the signatures to the same, of legal voters only.

Resolved, That said petition be published in the city papers, and public notice be given where the same may be found for signature.

The editor of the Yazoo City Whig, Mrs. Harriet N. Prewett, claims kin to Rev. John Rogers, of Smithfield, and says her great ancestor was Johnny, one of the "nine small children" that was carried in the arms of its mother to see its

father burned to death at the stake in 1555. Other members of the family are spread all over New England. There were fifteen or twenty of the name and blood, including the father of Mrs. Prewett, in the revolutionary war. The crest of the family is a crown and a sword, emblematic of the martyr and the soldier.

INTERESTING INCIDENTS.

The following are among the interesting incidents related as occurring in connection with the burning of the California Steamer, Independence.

The following act of devotion and its unfortunate result is said to relate: A Mr. Taylor swam ashore with his child upon his back and placed the infant in safety upon the bank, then through the masses of the wreck through floating spars and struggling swimmers, he made his way back to where he left his wife clinging, in the water to the rudder post; he bore her also to the beach, but she had been so much bruised by being repeatedly dashed against the ship's bottom by the heavy waves, that she did not survive to bless her husband for his devotion; she died on board the Meteor. Mr. Saunders and four others floated three miles out to sea upon a hencoop, they were picked up by Captain Sampson, who went to their relief in a boat. The water was chilling cold, and they were completely exhausted and benumbed with clinging beneath its surface for several hours to the frail raft.

Out of a party of eight-teen Jews who were on board, sixteen perished from the weight of coin, it was supposed, which they attempted to carry with them through the waves.

Among the incidents of the day after the wreck a child was born on the beach, and is now healthy and thriving; the mother was carried across the mountains in a hammock and even walked a part of the way to the boats.—Many of the passengers, especially among the females, suffered much from want of clothing.

Many acts of individual courage were performed, many that probably will never come to light. One gentleman after reaching the shore uninjured, swam out again to the wreck and brought off a child; he had no family on board—nothing to tempt him to return to a danger once passed, except the noble desire to preserve human life. Another threw his three children overboard and followed after them—they were all drowned.

Senor Larco, of Valparaiso, a Chilean gentleman of wealth and standing in Valparaiso, finding himself driven into the waves by the flames, turned to a few who were about him, and offered \$50,000 to any person who would assist him to save his life, but in such a moment none could think of the offer. Seeing that his end was near, Senor Larco said "Farewell! It is only once!" and plunged in the water. He was quickly drowned.

Most of the passengers had assembled upon bows to escape the driving flames and suffocating smoke; a group of nine remained upon the poop until driven to water by the heat; one of their number, seized with a sudden panic, leaped overboard to a floating spar, missed it and was drowned; the others, acting more deliberately, reached the shore. But few were saved by the boats—two boat loads, we understand; most of those who were saved floated ashore upon spars, benches and other articles thrown overboard. Many of the ladies were saved by the buoyances of their inflated clothing, which enabled them to float upon the water.

One of the firemen, whose name we did not learn, brought on shore two children, whose parents were both drowned. Another fireman brought a beautiful boy ashore to his mother who had been washed to the beach; her husband and two children were drowned, and she supposed this child had shared the same fate; the meeting may be imagined.

The Purser of the ship, Mr. James Freeborn, remained upon the deck until driven off by the fire when springing overboard he clung to a floating spar and was washed ashore insensible; he was resuscitated, but barely escaped with his life, being attacked with a violent fever.

There were four boats in all, three of which were of iron; they were capable of holding ten persons each. A gentleman, we did not learn his name, attempted to swim on shore with his child on his back, and supporting his wife by a handkerchief to which she clung; she was torn away, but managed to cling to a rope, while he proceeded and saved the child. He then returned to his wife and they both started again. Just then, a person jumped from the ship, and falling, struck the lady upon the head; she was stunned and immediately sank, despite her husband's efforts; the latter floated to sea upon a spar; he was an Englishman and a good swimmer, but was exhausted with his efforts, he was about to let go in despair, when a fellow-passenger, hard by, cried out to him to hold, a boat was coming, he did so, and was saved.

A great number of passengers sustained themselves in the water by clinging to the cable stretched to shore.—This cable was suddenly slackened, letting the unfortunate down into the water. Many were drowned by this, including several ladies; but few were saved by clinging to the rope.

There is one fireman, known as Tom Sawyer, a wild reckless scamp, but whose faults be they what they may, should henceforth be forgotten; this brave fellow stripped, went to and from the wreck four times; he is only nineteen years of age. After the third time, and when nearly exhausted with his exertions, he learned

that the Chief Engineer, Mr. Collins, was unable to swim and likely to drown; he immediately started off again through the surf with a life-preserver, fastened around the helpless man and accompanied him to the beach; he was also instrumental in preserving the lives of several others.

From the Detroit Free Press.

Crime and its Causes.

It is but too apparent that crime is increasing in a greater ratio than the population of the country. It is so in our own State, and it is in every other State. The number of convicts in our penitentiary is greater than at any former period, and the cry is still they come. In New York and other seaboard States the increase is more striking than here; and the press has not failed to note the audacity with which the criminal laws are set at defiance.—In investigating the causes of this state of things, we must delve below the surface, for the evil springs from roots deeply imbedded in the groundwork of society.

We have no doubt that many, perhaps a majority of readers would at once, and without hesitation, attribute the great prevalence of crime to a single cause—rum. Undoubtedly rum has enough sins to answer for, but yet if we would seek a full solution, we must not let our prejudices against rum warp our judgments so that we cannot look over other causes candidly and fairly. Our own belief is that one of the chief causes of the increase of crime is the uncertainty of punishment. There is a sickly morality prevalent in the country in regard to the administration of justice. A murderer becomes a hero, and the convict on the way to prison is an object of sympathy. There is a lamentable laxity on the part of jurors in convicting when the evidence is conclusive. A case illustrative of this has just occurred in Hillsdale county.

A woman attempted to poison her husband—the evidence seems conclusive—she was tried, the case submitted, the jury stood out all night, and in the morning came in with a verdict of not guilty, to the astonishment of the court and every body else. This is only an instance, and not a rare one. The fact is that criminals are getting to be looked upon as an oppressed race, and it only needs an Uncle Tom among them to save them from punishment altogether.

Henceforth, in this State, when the county court system was in vogue, our legal tribunals were but so many sieves through which criminals could escape.—But the present judges are men who will, so far as the state of society will admit, enforce the laws. Some of them are already a terror to evil doers. But we are very much inclined to think that the plan of electing Prosecuting Attorneys by the people is a bad one. In counties where politics are closely contested, a small number of men may hold the balance of power, and in such case, bad men know how to use it; and we have in our mind's eye one or two cases in the interior where they have used it.

Punishment, if its great object be to prevent crime, should be certain. When the criminal is tried, and the testimony points unerringly to his guilt, no false sensibility on the part of jurors should allow him to escape; and when he is sentenced to the State prison, he should have no hope (we state this as a general rule) of Executive clemency unless it becomes certain that new facts have transpired which make it positive that his conviction was erroneous.

The Buffalo Commercial Advertiser in discussing this subject, makes some remarks to the point. We copy a portion of them as conveying the sentiments that we entertain:

"Punishment in jails and prisons has become to be regarded by criminals as a relaxation from labor—a pleasant vacation in their usual pursuits, and not as a disgrace. The skillful felon is as celebrated as the statesman who has done his country service; and his exploits and his portrait is sent over the country by a certain class of papers, to attract the attention of the young, and encourage junior aspirants to distinguished villainy in their career of crime. Such prints are pests that require extirpation by the hand of law. In addition to this, there is a serious and deleterious sympathy for criminals pervading the land, which interferes with summary justice, and holds back her arm from the full and exemplary infliction of punishment. This sympathy goes about peering into prison houses and gathering the complaints of incarcerated felons, and pouts out its budget on the public, asking for attention to his stimulated miseries, and calling down on warden and turnkeys the vengeance of the people. Governors are appealed to with success, and the wretches are loosed upon the society after a brief imprisonment. The court and jury have hardly done their duty upon the felon, before the newspaper shows by the published notice that 'an application will be made' to pardon him and turn away the righteous award of law. Look at the papers and see if this is not true. The more obscure the paper, the better for this purpose, because attention is less likely to be drawn to its columns; and in some instances the public are shocked by the appearance of notorious rascals before the sensation created by their crimes has passed away. This is all true, and as for its truth, is the more alarming, it is to be hoped that the press will keep this question before the public, and if possible awaken the people to a just sense of the fearful prevalence of crime, and to the necessity of providing some barrier against its further encroachment. Let upright and impartial magistrates be upheld and re-elected, faithful and efficient policemen rewarded and their num-

bers increased, and above all, let punishment be certain, unmitigated, and in all instances where the law of the land adjudges it, inflicted to the very letter. Let it be known that no violation of law can escape the vigilance and the untiring patience and persistence of its ministers, and that nothing but the grave can shield the offender from the full measure of a deserved and legal punishment."

Ben's Doings.—Patrick Fitzgerald, at New York, is found guilty of shooting his wife while under the influence of liquor.

Thomas Neary is also found guilty of beating his wife's brains out with a mallet while he was crazy drunk. The deed was done before the eyes of his children, whom he threatened to kill if they made a noise.

John Murphy, at Fall River, last week, tied his wife to a bed and poured sulphuric acid down her throat, thereby killing her. He had drunk half a pint of gin a few hours before.

APPLE TREES KILLED BY POTASH.—Medicines in excess become poisons. The New England Farmer mentions the case of an orchard of one hundred and sixty thirty Baldwin's, that were washed with a solution of a pound of potash in a gallon of water. The owner found in two days that he had killed the whole of his beautiful and valuable trees. Soap suds or ashes in water are strong enough.—Gumbo is an excellent thing for trees, and salt is sometimes good; but it is one of the easiest things in the world to kill trees with them in excess.

AWFUL RAILROAD ACCIDENT—

GREAT LOSS OF LIFE.

FORWALK, May 6—1 P. M.

The draw bridge was up to let a schooner through. When the train came up, the cars were going so slow that the brakeman was able to stop the train and stop the rear cars. The train consisted of six passenger cars, two baggage cars and a tender.

The following names, not on the list of saved, were registered at the Hotels in Boston.

L. L. Kendrick of Boston; Dr. Woodward of Wrentham; Chamberlain and daughter of Rockport; Wescott; Dr. Bush of Boston.

About 45 dead bodies have been found up to three o'clock. All the employees of the company escaped unhurt. The blame, it is said, rests with the engineer, as it is said the usual signals were displayed by the bridge tender. There are, however, many conflicting statements. The engineer and fireman were arrested.

[Second Dispatch.]

New York, May 6.

The engine, tender, and two baggage cars are in the river at New York.

The smoking apartment was to one of the baggage cars, and doubtless the passengers in it were drowned.

The number of sufferers is not yet known, but it is not so bad as at first reported. A few are said to have been lost except those in the smoking room.

Among the list of injured, we do not find the names of any western persons. During the day and evening the trains from New York and Boston brought large numbers of persons in search of relations and friends. Many citizens of New York, who noticed the approach of the train and saw the danger, called out to the engineer to stop, but their warnings were unheeded. On the Governor's request G. W. Whipple stated that it was currently reported that the conductor told the engineer to drive like hell through New York, as two gentlemen wished to get over and he did not wish to stop there.

TREMENDOUS GALE ON LAKE ONTARIO—LOSS OF VESSELS.

ROCHESTER, May 6.

There was a tremendous gale on Lake Ontario last night from the north. The schooner Vincennes, of Sandusky, bound down, went ashore just east of the Genesee river, and is a total wreck. The cargo consisted of one thousand and fifty bushels of flour, three thousand bushels of wheat, and a few casks of ashes.

A small schooner, with lumber, name unknown, was lost at the same place; crews all saved. The steamer Niagara, from Oswego, tried to get into this harbor but did not succeed, and went up the Lake.

Since Albany, it is said, will exhibit at the New York Industrial Exhibition, the portraits of himself, her Majesty, Prince Arthur, and the Duke of Wellington, by Winterhalter.

MARRIED

Near Summerville, Hancock county, Illinois, on the 7th day of April, by Mr. KING, Mr. JOHN G. SIEGER, of that place, to Miss MARY PENDERGAST, formerly of Marion county Ind.

On the 28th of April by Rev. NATHAN FAIRCHILD, Mr. LOYD J. DAVIS, to Miss SARAH JANE, Daughter of Sanford Gordon, of this county.

On the 5th inst., by Rev. AUSTIN FULLER, Mr. ISAAC R. WALLACE, of Boone county, to Miss ISABELLA E. SNYDER, of this county.

AN ORDINANCE.

Be it ordained by the President and Trustees of the Town of Plymouth, that the assessment of tax shall be sixty cents upon the one hundred dollars valuation of real estate, and one dollar upon every person liable to poll tax, for corporation purposes.

RUFUS BROWN, Prest.

Attest—H. P. STEELE, Sec'y.

May 10, 1853.

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